

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2018 DEC -6 PM 1:35

VICTOR MCRAE,

Plaintiff,

v.

TELFAIR COUNTY, GEORGIA; CHRIS
STEVERSON, Individually and in
his Official Capacity as Sheriff
of Telfair County; JOHN AND JANE
DOES 1-10 BEN HILL COUNTY,
GEORGIA, as employees; BOBBY
MCLEMORE, Individually and in
his Official Capacity as Sheriff
Ben Hill County; JOHN AND JANE
DOES 1-10 DODGE COUNTY, GEORGIA,
as employees; LYNN SHEFFIELD,
Individually and in his Official
Capacity as Sheriff of Dodge
County; JOHN AND JANE DOES 1-10,
as employees; TELFAIR COUNTY
SHERIFF'S OFFICE; BEN HILL
COUNTY, GEORGIA; BEN HILL COUNTY
SHERIFF'S OFFICE; DODGE COUNTY,
GEORGIA; and DODGE COUNTY
SHERIFF'S OFFICE,

Defendants.

CLERK J. Hodge
SO. DIST. OF GA.

CV 318-077

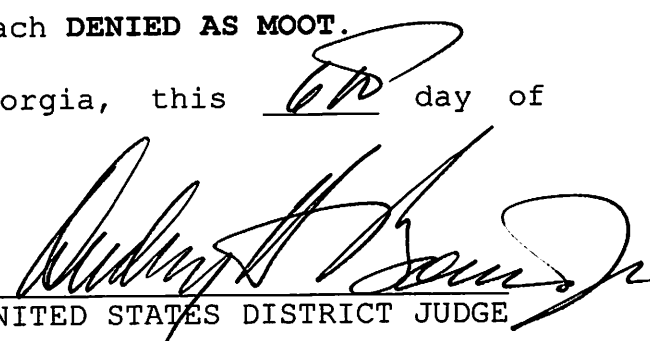
O R D E R

Pending before the Court is the parties' joint motion to dismiss certain Defendants. (Doc. No. 21.) The parties have agreed to dismiss Defendants Ben Hill County Sheriff's Office, Dodge County Sheriff's Office, and Telfair County Sheriff's Office.

Pursuant to Federal Rule of Civil Procedure 21, the Court "may at any time, on just terms, add or drop a party." Further, under Rule 17(b) the "capacity to sue or be sue shall be determined by the law of the state in which the district court is held." In Georgia, there must be a legal entity as the real plaintiff and the real defendant. Ga. Insurers Insolvency Pool v. Elbert Cnty., 258 Ga. 317, 318 (1988). Sheriff's departments and police departments, however, "are not usually considered legal entities subject to suit." Lovelace v. Dekalb Cent. Prob., 144 F. App'x 793, 795 (11th Cir. 2005).

Upon due consideration, the joint motion to dismiss Defendants Ben Hill County Sheriff's Office, Dodge County Sheriff's Office, and Telfair County Sheriff's Office (doc. no. 21) is **GRANTED**. The Clerk is directed to **TERMINATE** those parties. Finally, Defendant Telfair County Sheriff's Office's motion to dismiss (doc. no. 7) and Defendant Dodge County Sheriff's Office's motion to dismiss (doc. no. 9) are each **DENIED AS MOOT**.

ORDER ENTERED at Augusta, Georgia, this 6th day of December, 2018.


UNITED STATES DISTRICT JUDGE